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09/742,419	12/22/2000	Vladimir V. Mikhailov	9-13528-116US	8029
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OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	4

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/742,419

Applicant(s)

MIKHAILOV ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - 1.1 "BTN 16" in lines 27 and 28 on page 8 should be changed to "BTN 22" in accordance with lines 3 and 9, and figure 3.
  - 1.2 "SCP 18" in lines 17 and 18 on page 12 should be changed to "SCP 16" in accordance with line 8 and figure 5.
  - 1.3 "CS" in line 33 on page 12 should be changed to "SSP 14" per figure 5.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 recites the limitation "the control signaling messages" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2645

3. Claim 18 recites the limitation "the content/service messaging" in line 13.

There is insufficient antecedent basis for this limitation in the claim.

4. Claim 24 recites the limitation "the call control messaging network" in lines

1 and 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7, 9-12 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wise et al. US 5,884,262.

5.1 Regarding claim 1, Wise discloses a system for providing on line information service (content and messages) to a telephone subscriber in figure 3, comprising:

Art Unit: 2645

a Web Server IP 350 (Content/Service Provision Node, or C/SPN) having first interface with an Advanced Intelligent Network (call control messaging network) through ISCP 320, and a second interface with an computer network 15 (Content/Service Messaging Network, or C/SMN) through which information (Content/Service messages) from servers 18 and 19 is conveyed (column 3, lines 51-61; column 8, lines 37-50; column 9, lines 2-12, 27-31); and

a Speech IP 340 (subscriber access control equipment, or SACE), wherein at least one of content and a service (such as stock quotation and traffic information, based on selections received at Speech IP 340) is effected by the Web Server 350 and Speech IP 340 (column 5, lines 45-53; column 9, lines 2-12).

5.2 Regarding claim 2, Wise teaches that the Web Server IP 350 accesses an Internet (computer network 15), application servers 18 and 19 (column 3, lines 55-58), and user profile (column 8, line 67 to column 9, lines 2).

5.3 Regarding claim 3, Wise teaches an ISCP IP 320 (call server) communicates with Speech IP 340 for relaying messages between the Web Server IP 350 and Speech IP 340, using the same protocol (Bellcore protocol 1129+) (column 8, lines 29-33).

Art Unit: 2645

5.4 Regarding claim 4, Wise teaches that ISCP IP 320 includes a call manager 210 and a translator 220 to handle the interactions between the computer network and a user (column 8, lines 40-42).

5.5 Regarding claim 5, Wise teaches that the ISCP IP 320 relays information to Speech IP 340, which performs format conversions, such as text-to-speech or speech-to-text (figure 3; column 8, lines 60-64).

5.6 Regarding claim 7, Wise teaches an Advanced Intelligent Network, which is a common channel signaling network (Specification, page 1, lines 26-27).

5.7 Regarding claim 9, Wise teaches a translator 220 in the ISCP IP 320 for translating a DTMF input to text stringing for Web search (column 6, lines 14-28).

5.8 Regarding claim 10, Wise discloses a method of enabling a content provider to provide at least one of content and a service to subscribers in figure 3, comprising steps of:

a) enabling a server 350 and ISCP 320 (call servers) to exchange messages with an information server 18 (content/Service Provision Node) via a computer network 15 (Content/Service Messaging Network) (column 3, lines 55-61; column 8, lines 44-50);

Art Unit: 2645

b) provisioning the server 350 and ISCP 320 to relay at least a content of messages to speech IP 340 (addressed subscriber access control equipment, or SACE), and vice versa (column 8, lines 37-50, 60-64); and

c) enabling the speech IP 340 to receive, process and transmit at least the content of messages to a subscriber, and in respond to receiving a content of messages, perform actions required to provide the at least content and service, such as text-to-speech, or speech-to-text conversion (column 8, lines 37-54).

5.9 Regarding claim 11, Wise teaches using a Bellcore protocol 1129 (figure 3; column 8, lines 29-33).

5.10 Regarding claim 12, it is inherent that in order to communicate, the ISCP 320 must determine the address of the Speech IP 420.

5.11 Regarding claim 33, Wise discloses a ISCP 320, a Speech IP 340 and server 350 (subscriber access control equipment or SACE) in figure 3, comprising:

a) interface with a Central Office 310 (switch fabric), a computer network 15 (broadband transport network, or BTN), and a messaging system (SS7) for communicating with central office 310 (call server); and

b) a browser 250 (controller) adapted to set up, tear down, and cache virtual trunk connections through the computer network 15 to servers 18 and 19

Art Unit: 2645

(column 7, lines 7-13), and to interface with the bear channel of an ISDN subscriber line (column 3, lines 51-55) to provide one of content and service as directed by the central office 310 (column 8, lines 44-54; column 7, lines 7-12; column 6, lines 14-28; column 5, lines 45-53).

5.12 Regarding claim 34, Wise teaches presenting information to a subscriber in either text or speech (column 8, lines 44-54, 60-64).

5.13 Regarding claim 35, Wise teaches receive audio commands from a user at ISDN telephone 10 (column 3, lines 51-55; column 6, lines 14-28), and an ISDN telephone inherently communicates through a bear channel.

5.14 Regarding claim 36, Wise teaches translating a voice command into text (extensible and modifiable) (column 6, lines 14-28).

6. Claims 1, 6, 8, 18-22, 24, 26, 27 and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoakum et al. US 6,735,621.

6.1 Regarding claim 1, Yoakum discloses an apparatus for providing at least one of content and a service to users in circuit switched networks, comprising:  
a service control gateway (SCG) 101 (Content/Service Provision Node) having a first interface with Network 104 (PSTN, or call control messaging



Art Unit: 2645

network) (column 4, lines 39-42), and a second interface with an IP network 108 (Content/Service messaging Network) (column 4, lines 45-47) through which SIP (session initiation protocol) messages are conveyed (column 4, lines 47-53); and a service switching point, or SSP (subscriber access control equipment) in the network 104 (a PSTN inherently includes SSPs), wherein the at list one of content and a service is effected by the SCG and the SSP (depends on what type of message, a call related message or a non-call related message, from the SSP), in response to a call control message (TACP) received by the SCG and the first interface (column 5, lines 13-42; column 6, lines 3-22).

6.2 Regarding claim 6, Yoakum teaches SIP messages (column 2, lines 50-55; column 4, lines 58-60).

6.3 Regarding claim 8, as shown in figure 1, the IP network 108 is a broadband transport network (column 1, lines 32-35; column 4, lines 45-47), and provides trunking channels to SCGs through a number server 107.

6.4 Regarding claim 18, Yoakum discloses a method of providing extensible service features (column 4, lines 16-18) to telephone subscribers in figure 1, comprising steps of:

a) exchanging messages between information server 109 (Content/Service Provision Node) and a service control gateway, or SCG (subscriber access control equipment, or SACE), where in the messages

Art Unit: 2645

conform to a signaling protocol, such a session initiation protocol, or SIP (figure 1; column 3, lines 18-22) that permits:

- i) delivery of an extensible payload (column 5, lines 13-42; column 6, lines 3-8, 12-22);
  - ii) a separate component protocol (SIP INVITE message), indicated in messages, to specify how at least one datum in one field of the message is to be processed (call related or non-call related) (column 2, lines 11-23; column 5, lines 13-42); and
- b) using a SIP messages to convey information from the server 109 to SCG, which interfaces with network 104 and the bearer channel of a subscriber line (column 5, lines 39-45; column 1, lines 28-32).

6.5 Regarding claim 19, Yoakum discloses a method of providing extensible service features (column 4, lines 16-18) to telephone subscribers in figure 1, comprising steps of:

using a session initiation protocol (SIP) for exchanging signaling messages between a server 109 (Content/Service Provision Node) and a service control gateway, or SCG (subscriber access control equipment, or SACE), to deliver an extensible payload of messages having an internal and separate component protocol (SIP INVITE message) (column 5, lines 12-42) to indicate how at least one datum in one field of the message is to be used to convey the content from the SCG (column 5, lines 13-42; column, 6, lines 3-8, 12-22) which

Art Unit: 2645

interfaces with a bearer channel of a subscriber line on network 104 (column 5, lines 39-45; column 1, lines 28-32).

6.6 Regarding claim 20, Yoakum teaches a SIP INVITE message (column 2, lines 11-23).

6.7 Regarding claims 21 and 22, Yoakum teaches that an INVITE message contains multiple parameters (column 6, lines 54-55).

6.8 Regarding claim 24, Yoakum teaches that network 104 is a PSTN with SS7 protocol.

6.9 Regarding claim 26, Yoakum teaches a SIP protocol as stated in claim 18.

6.10 Regarding claim 27, Yoakum teaches that a SIP INVITE message is session description protocol (column 2, lines 16-23).

6.11 Regarding claim 37, Yoakum discloses a service control gateway (SCG) 101 (Content/Service Node) in figure 1, comprising:

a) a first interface with network 104 (common channel signaling network) (column 4, lines 39-42);

b) a second interface with an IP network 108 (Content/Service Messaging Network); and

Art Unit: 2645

c) a processor (CPU A-C in figure 3) adapted to receive and process call control messages (figure 2, TCAP 205 and 206) and content/service messages received at the second interface (SIP 207) (column 4, lines 58-60), and perform at transmitting a call control message through the first interface or a content/service message through the second interface (column 5, lines 13-42).

6.12 Regarding claim 38, Yoakum teaches providing telephone service via IP network to a subscriber (column 4, lines 16-22; column 5, lines 6-12).

6.13 Regarding claim 39, Yoakum teaches that the SCG accesses the IP network 108 which is an Internet (column 1, lines 32-35).

6.14 Regarding claim 40, Yoakum teaches translating a TCAP message into SIP message (column 2, lines 50-55).

7. Claims 1, 10, 11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Donovan et al. US 6,512,818.

7.1 Regarding claim 1, Donovan discloses a system for providing a voice over IP telephone service in figure 1, comprising:

a) a Node (switch 115, ACD 117, VRU controller 119 and LAN 121) having a first interface with PSTN 107 (call control messaging network) and a

Art Unit: 2645

second interface with a an IP network 105 (Content/Service Messaging Network) through which content and service (column 4, lines 30-40, 46-53; column 5, lines 5-14); and

b) a VRU 113 (subscriber access control equipment), wherein at least one of content and service is effected by the Node with the VRU in response to a call control message received by the Node at the first interface, i.e. a call from telephone 109 is authenticated (or not) by the VRU 113 (column 5, lines 5-14; column 4, lines 30-40).

7.2 Regarding claim 10, Donovan discloses a method for providing a voice over IP telephone service in figure 1, comprising steps of:

a) enabling proxy servers (call servers) (figure 5) in an IP network 105 to exchange content/service messages with a Node (switch 115, ACD 117, VRU controller 119 and LAN 121) via the IP network 105 (Content/Service Messaging Network) (column 5, lines 5-14);

b) provisioning the proxy servers to relay content/service messages to addressed VRU 113 (subscriber access control equipment), and vice versa (column 5, lines 5-14); and

c) enabling the VRU 113 to receive, process, and transmit the content of the messages, and in response to receiving a message, to perform an sequence of actions (prompting a caller for account code and billing code, and authenticating the caller) required to provide the content and service.

Art Unit: 2645

7.3 Regarding claims 11, 13 and 14, Donovan teaches using a SIP protocol (column 8, lines 12-16).

8. Claims 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurbani et al. US 6,282,275.

8.1 Regarding claim 28, Gurbani discloses a caller ID server 124 (control/service provision node, or C/SPN) having an interface with a PSTN 110 (call control messaging network) and an Internet 128 (Content/Service Messaging Network) in figure 1. The caller ID server 124 includes an Internet protocol server 126 to control a remote interface (Internet service provider (ISP) within PSTN 110) with a bearer channel of an ISDN subscriber line (column 2, 38-41) for computer 130 to retrieve caller IDs stored in caller ID server 124 (column 3, lines 31-43). Gurbani teaches:

- a) sending the queries (service messages), such as user ID and password, from server 126 via Internet 128 to a gateway (call server) (column 3, lines 31-33) coupling to computer 130 (column 3, lines 37-39);

- b) receiving the queries at the gateway and relaying the queries to an ISP (subscriber access control equipment, or SACE) interfacing with computer 130 (inherently, computer 130 must log on an ISP within PSTN 110 to access Internet 128) (figure 2; column 3, lines 24-43, 56-59);

Art Unit: 2645

c) collecting user information through a ISDN bearer channel (column 3, lines 24-28, 39-43); and

d) returning user information to the server 126 (column 3, lines 39-43).

8.2 Regarding claim 29, Gurbani teaches collecting information requested (user information, such as user ID and/or password) (column 3, lines 37-40).

8.3 Regarding claim 30, Gurbani teaches Internet telephony in that voice is conveyed through the bearer channel (column 3, lines 24-26; column 4, lines 11-16).

8.4 Regarding claim 31, Gurbani teaches sending user information (column 3, lines 37-40).

9. Claims 18, 19, 25, 28 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Vuong US 6,765,912.

9.1 Regarding claim 18, Vuong discloses a method of providing extensible service features to telephone subscribers in figure 1, comprising steps of:

a) exchanging messages between gateway 14 (Content/Service Provision Node) and gateway 16 (subscriber access control equipment, or

Art Unit: 2645

SACE), where in the messages conform to a signaling protocol, such a session initiation protocol, or SIP (figure 5; column 8, lines 53-67; column 9, lines 1-14) that permits:

- i) delivery of an extensible payload (figure 5; SIP Invite, SIP Trying, SIP Ringing, SIP OK. Etc.);
  - ii) a separate component protocol (SIP INVITE message), indicated in messages, to specify how at least one datum in one field of the message is to be processed (column 8, lines 61-65); and
- b) using a content/service network 12 to convey information from gateway 14 to call control element 54, which interfaces with switch 18 and the bearer channel of a subscriber line (column 5, lines 39-45; column 1, lines 28-32).

9.2 Regarding claim 19, Vuong discloses a method of providing extensible service features to telephone subscribers in figure 1, comprising steps of:

using a session initiation protocol (SIP) for exchanging signaling messages between gateway 14 (Content/Service Provision Node) and gateway 16 (subscriber access control equipment, or SACE), which interfaces with a bearer channel of a subscriber line (column 5, lines 47-52; column 7, lines 11-16), to deliver an extensible payload of messages having an internal and separate component protocol (SIP message) to indicate how at least one datum in one field of the message is to be used to convey the content and service information (figure 5; column 8, lines 64-65).



9.3 Regarding claim 25, Vuong teaches an IP network 12 (broadband transport network) through which gateway 14 and gateway 16 also perform virtual trunking (column 3, lines 17-21, 31-40).

9.4 Regarding claim 28, Vuong discloses a network 10 in figure 1, comprising a gateway 14 (control/service provision node, or C/SPN) interfacing with a call control messaging network 32 (column 3, lines 64-66) and an IP network 12 (Content/Service Messaging Network) (column 3, lines 62-64), to control a bearer control element 56 of gateway 16 (figure 2; column 5, lines 47-49), to enable content information or service feature information be exchanged with a subscriber 26 through a subscriber line. Vuong teaches:

- a) sending setup messages from gateway 14 via IP network 12 to gateway 16 (call server) associated with the subscriber line (column 6, lines 1-10);
- b) receiving setup messages at gateway 16 and relaying the setup messages to switch 18 (subscriber access control equipment, or SACE) interfacing with the subscriber line (figures 1-2; column 6, lines 10-14);
- c) collecting and sending information (audio, video or other streaming data) through a bearer channel (column 5, lines 47-52; column 7, lines 11-16); and
- d) returning information to gateway 14 (column 5, lines 47-52; column 7, lines 11-16).

Art Unit: 2645

9.5 Regarding claim 32, Vuong teaches using session initiation protocol (figure 5; column 8, lines 53-67; column 9, lines 1-14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. US 5,884,26 in view of Rondeau US 5,850,433.

Wise teaches exchanging information, including announcement (prompts) and sport and traffic information (content), between a Speech IP 340 and a customer at telephone 10 through an ISDN line. Wise fails to teach that audio signals are transmitted by Pulse coded modulation (PCM).

However, Rondeau teaches a method for transmitting voice over a Local area network (LAN) 32 in figure 1. Rondeau teaches a telephone server for interface with a PSTN and the LAN, and audio signals are transmitted to, and from, telephone 22 via a 64 kb/s channel 24 (column 6, lines 29-43).

Art Unit: 2645

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wise reference with the teaching of Rondeau, so that audio signals are transmitted by PCM, since both Wise and Rondeau were using a ISDN 64 kb/s bear channel for connecting a telephone to a computer network, because analog audio signals must be coded to be transmitted in a digital line.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoakum et al. US 6,735,621 in view of Yoakum et al. US 6,421,674.

Yoakum (621) teaches a SIP INVITE message (component protocol) is a message description protocol (column 2, lines 11-23), but fails to specifically teach the message is identified within a header, and provides information about the type of the message, and further indicates an intended processing of data in a field.

However, Yoakum (674) teaches that an INVITE message is identified in a header (column 6, lines 32-33), and the message provides information about the message type, such as a call sequence (column 5, lines 55-57) or an acknowledgement (column 7, lines 50-66), and further indicates an intended processing of data in a field (column 5, lines 10-57).


Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoakum (621) reference with the teaching of Yoakum (674), so that the INVITE message would have been

Art Unit: 2645

identified in a header, and the message would have included its type and descriptions, such modification would have clarified the teaching of an INTIVE message.

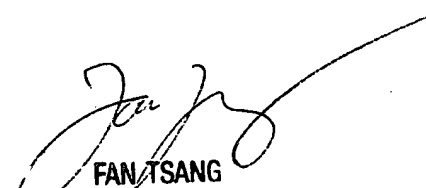
**Conclusion**

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

11/05/2004



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600